

REMARKS

Claims 1-5 remain pending in this application. Claims 1-5 are rejected. Claims 1, 3 and 5 are objected to. Claims 1-5 are amended herein to clarify the invention, to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

The Examiner objects to the drawings under 37 C.F.R. § 1.84(p)(5) for having a reference designator not referred to in the specification. It is alleged that reference designators 24c2, 26c, 30d and 29e are not referred to in the body of the specification. The specification is amended to correct the informality. No new matter is added. Reconsideration of the objection to the drawings and withdrawal thereof are earnestly solicited.

The Office Action states that the specification is objected to for various informalities. The specification is amended to correct various typographical, grammatical and idiomatic informalities including those noted in the Office Action. No new matter is added. Withdrawal of the objection is respectfully solicited.

Applicants respectfully submit that Fig. 3 is a correct view taken in a direction of arrow E in Fig. 2, and similarly that Fig. 5 is also correctly viewed in a direction of arrow G in Fig. 3. For example, the Examiner's attention is drawn to the

two small circular forms above and below the “E” in Fig. 2 which correspond to the spaced apart raised protrusions atop Fig 3.

Furthermore, due to an inadvertent translation error, parts of the disclosure inaccurately state that “the turning arm and the drive device are disposed within a width in the axial direction of the turning pivot of the heavy object,” rather than correctly as “the turning arm and the drive device are disposed within a width of the heavy object in the axial direction of the turning pivot.” The correct expression is supported by the original Japanese disclosure, and as evidenced at the paragraph bridging pages 9 and 10. The specification is therefore amended accordingly without introduction of new matter.

Claims 1, 3 and 5 are objected to for noted informalities. The claims are amended to remove or correct these informalities. Withdrawal of the objections is earnestly solicited.

Claims 1-5 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 1-5 and their allowance are earnestly requested.

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dalakian (US 5,222,409). Applicants herein respectfully traverse these rejections.

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

As noted above, due to an inadvertent translation error, parts of the disclosure had inaccurately stated that “the turning arm and the drive device are disposed within a width in the axial direction of the turning pivot of the heavy object,” rather than correctly as “the turning arm and the drive device are disposed within a width of the heavy object in the axial direction of the turning pivot.” This inconsistency also extended to the subject matter of independent claims 1 and 5. The claims are corrected to accurately reflect the subject matter as disclosed in the corrected written description, and as shown in the drawings.

It is respectfully submitted that the cited Dalakian reference fails to disclose the invention as now claimed, in which the turning arm and the drive device are disposed within a width of the heavy object in the axial direction of the turning pivot. Rather, the motor 70 protrudes further than the width of the turning members (arms 24 and 26).

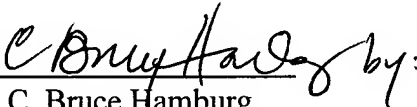
In view of the above, it is respectfully submitted that claims 1-5 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-5 and their allowance are respectfully

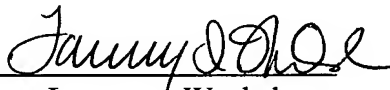
requested.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By  by:
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants
and,

By 
Lawrence Wechsler
Reg. No. 36,049
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340